

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-13-175
	)	
	)	D E C I S I O N
KYLE WESLEY PUCKETT,	)	
	)	
Defendant.	)	

On January 3, 2019, the Defendant was sentenced to the Montana State Prison for ~~four~~ (4) years, for the offense of Count I: Criminal Possession of Precursors to Dangerous Drugs. The Defendant was given credit for time served on this revocation sentence for 9/10/18-1/3/2019 and credit for street time for 2/7/18-5/18/18. He was previously granted credit for 219 days from the Judgment dated June 23, 2014 and 48 days from the Order of Revocation Judgment dated December 31, 2014.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division ~~has~~ the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2<sup>nd</sup> day of May, 2019.

DATED this 30<sup>th</sup> day of May, 2019.

SENTENCE REVIEW DIVISION

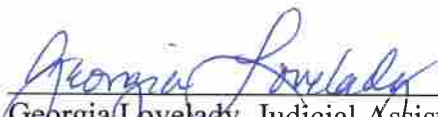
  
\_\_\_\_\_  
Hon. Brenda Gilbert, Chairperson

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed this 4<sup>th</sup> day  
of June, 2019, to:

Clerk of District Court (Original)  
Kyle Wesley Puckett #3013476, Defendant (2)  
Hon. Heidi Ulbricht  
Brent Getty, Defense Counsel  
Travis Ahner, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
\_\_\_\_\_  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division